

# WESTERN CAROLINIAN.

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**By PHILIP WHITE.**

The terms of the Western Carolinian will be as follows: Three Dollars a year, payable in advance.

No paper discontinued, (except at the option of the Editor) until all arrearages are paid. Advertisements will be inserted at fifty cents per square for the first insertion, and twenty-five cents for each subsequent one.

All letters addressed to the Editor, must be paid, or they will not be attended to.

## 33 Authority.

An Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.

It is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

if any person or persons, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is ceded to, and under the jurisdiction of, the United States, or on the site of any light-house or other needful building belonging to the United States, the site whereof is ceded to them, and under their jurisdiction as aforesaid, shall, wilfully and maliciously, burn any dwelling house, or mansion house, or any store, barn, stable, or other building, parcel of any dwelling or mansion house, every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death.

Sec. 2. *And be it further enacted,* That, if any person or persons, in any of the places aforesaid, shall, wilfully and maliciously, set fire to, or burn, any arsenal, armory, magazine, rope-walk, ship-house, ware-house, block house, or barrack, or any store-house, barn, or stable, or parcel of a dwelling house, or any other building, not mentioned in the first section of this act, or any ship or vessel, built, or building, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out ships or vessels, or any pile of wood, heads, or other lumber, or any military, naval, or victualling stores, arms, or other munitions of war, every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Sec. 3. *And be it further enacted,* That, if any offence shall be committed, in any of the places aforesaid, the punishment of which offence is not specially provided for by any law of the United States, such offence shall, upon a conviction in any court of the United States, having cognizance thereof, be liable to, and receive, the same punishment as the laws of the state, in which such fort, dock-yard, navy-yard, arsenal, armory, or magazine, or other place, ceded as aforesaid, is situated, provide for the like offence, when committed within the body of any county of such state.

Sec. 4. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, shall commit the crime of wilful murder, or rape, or shall, wilfully and maliciously, strike, stab, wound, poison, or shoot at, any other person, of which striking, stabbing, wounding, poisoning, or shooting, such person shall afterwards die, upon land, within or without the United States, every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, upon conviction thereof, suffer death.

Sec. 5. *And be it further enacted,* That, if any offence shall be committed on board of any ship or vessel, belonging to any citizen or citizens of the United States, while lying in a port or place within the jurisdiction of any foreign state or sovereign, by any person belonging to the company of said ship, or any passenger, or any other person belonging to the company of said ship or any other passenger, the same offence shall be cognizable and punishable by the proper Circuit Court of the United States, in the same way and manner, and under the same circumstances, as if said offence had been committed on board of such ship or vessel on the high seas, and without the jurisdiction of such foreign sovereign or state: *Provided,* always, That, if such offenders shall be tried for such offence, and acquitted or convicted thereof, in any competent court of such foreign state or sovereign, he shall not be subject to another trial in any court of the United States.

Sec. 6. *And be it further enacted,* That, if any person or persons, upon the high

seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular state, shall, by surprise, or by open force or violence, maliciously attack or assault upon any ship or vessel belonging, in whole or in part, to the United States, or to any citizen or citizens thereof, or to any other person whatsoever, with an intent unlawfully to plunder the same ship or vessel, or to despoil any owner or owners thereof of any moneys, goods, or merchandise, laden on board thereof; or shall, by force or violence, or by putting in fear, unlawfully plunder any such ship or vessel, or steal and carry away any money, goods, or merchandise, laden on board thereof; every person so offending, his or her counsellors, aiders, or abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Sec. 7. *And be it further enacted,* That, if any person or persons upon the high seas, or in any other of the places aforesaid, with intent to kill, rob, steal, commit a rape or to do or perpetrate any other felony, shall break or enter any ship or vessel, boat, or raft; or if any person or persons shall wilfully and maliciously cut, spoil, or destroy, any cordage, cable, buoys, buoy-rope, headfast, or other fast, fixed to any anchor or moorings, belonging to any ship, vessel, boat, or raft; every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence.

Sec. 8. *And be it further enacted,* That, if any person or persons upon the high seas, or in any other of the places aforesaid, shall buy, receive, or conceal, or aid in concealing, any money, goods, bank notes, or other effects or things which may be the subject of larceny, which have been feloniously taken or stolen, from any other person, knowing the same to have been so taken or stolen, every person so offending shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, although the principal offender chargeable, or charged with the larceny, shall not have been prosecuted or convicted thereof; and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labor, not exceeding three years, according to the aggravation of the offence.

Sec. 9. *And be it further enacted,* That, if any person or persons shall plunder, steal, or destroy any money, goods, merchandise or other effects, from, or belonging to, any ship or vessel, or boat, or raft, which shall be in distress, or which shall be wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States; or if any person or persons shall wilfully obstruct the escape of any person endeavoring to save his or her life from such ship or vessel, boat, or raft, or the wreck thereof; or, if any person or persons shall hold out or show any false light or lights, or extinguish any true light, with intention to bring any ship or vessel, boat or raft, being or sailing upon the sea, into danger, or distress, or shipwreck, every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Sec. 10. *And be it further enacted,* That, if any master or commander of any ship or vessel, belonging, in whole or in part to any citizen or citizens of the United States, shall, during his being abroad, maliciously, and without justifiable cause, force any officer, or mariner, of such ship or vessel, on shore, or leave him behind, in any foreign port or place, or refuse to bring home again all such of the officers and mariners of such ship or vessel, whom he carried out with him, as are in a condition to return, and willing to return, when he shall be ready to proceed in his homeward voyage, every master or commander, so offending, shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding six months, according to the aggravation of the offence.

Sec. 11. *And be it further enacted,* That, if any person or persons shall wilfully and maliciously set on fire, or burn,

or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet or assist in setting on fire, or burning, or otherwise destroying, any ship or vessel of war of the United States afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death: *Provided,* That nothing herein contained shall be construed to take away or impair the right of any court martial to punish any offence, which, by the law of the United States, may be punishable by such court.

Sec. 12. *And be it further enacted,* That, if any officer of the United States shall be guilty of extortion, under or by color of his office, every person so offending shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding one year, according to the aggravation of the offence.

Sec. 13. *And be it further enacted,* That, if any person, in any case, matter, hearing, or other proceeding, when an oath or affirmation shall be required to be taken or administered under or by any law or laws of the United States, shall, upon the taking of such oath or affirmation, knowingly and willingly swear or affirm falsely, every person, so offending, shall be deemed guilty of perjury, and shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence. And if any person or persons shall knowingly or willingly procure any such perjury to be committed, every person so offending shall be deemed guilty of subornation of perjury, and shall, on conviction thereof, be punished by fine, not exceeding two thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence.

Sec. 14. *And be it further enacted,* That, if any person upon his or her arraignment upon any indictment before any court of the United States for any offence, not capital, shall stand mute, or will not answer or plead to such indictment, court shall, notwithstanding, proceed to the trial of the person so standing mute, or refusing to answer or plead, as if he or she had pleaded not guilty, and upon a verdict being returned by the jury, may proceed to render judgment accordingly. And the trial of all offences, which shall be committed upon the high seas or elsewhere, out of the limits of any state or district, shall be in the district where the offender is apprehended, or into which he may be first brought.

Sec. 15. *And be it further enacted,* That, in every case where any criminal, convicted of any offence against the United States, shall be sentenced to imprisonment and confinement to hard labor, it shall be lawful for the court, by which the sentence is passed, to order the same to be executed in any state prison, or penitentiary, within the district where such court is holden; the use of which prison or penitentiary may be allowed or granted by the Legislature of such state for such purposes; and the expenses attendant upon the execution of such sentence shall be paid by the United States.

Sec. 16. *And be it further enacted,* That, if any person who shall be employed as president, cashier, clerk, or servant, in the Bank of the United States, created and established by an act, entitled "An act to incorporate the subscribers to the Bank of the United States," passed on the tenth day of April, in the year of our Lord one thousand eight hundred and sixteen, or in any office of discount and deposit established by the Directors of said Bank, in any state or territory of the United States, shall feloniously take, steal, and carry away, any money, goods, bond, bill, bank note, or other note, check, draft, Treasury note, or other valuable security or effects, belonging to said bank, or deposited in said bank; or, if any person so employed as President, Cashier, Clerk, or servant, shall fraudulently embezzle, secrete, or make away with any money, goods, bond, bill, bank note, draft, Treasury note, or other valuable security or effects, which he shall have received, or which shall come to his possession or custody by virtue of such employment, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished, by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor not exceeding ten years, according to the aggravation of the offence.

Sec. 17. *And be it further enacted,* That, if any person or persons shall false-

ly make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting, any paper, writing, or instrument, in imitation of, or purporting to be, an indent, certificate of the public stock, or debt, Treasury note, or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft, for money drawn by or on the Treasurer of the United States, or by or on any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay the same, on behalf and for account of the United States; or if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, or counterfeited paper, writing, or instrument, knowing the same to be false, forged, or counterfeited, with intent to defraud the United States, or any body politic or corporate, or any other person or persons whatsoever; or if any person or persons shall falsely alter any indent, certificate of the public stock or debt, Treasury note, or other public security of the United States, or any letters patent, issued or granted by the President of the United States, or any bill, check, or draft for money drawn by or on the Treasurer of the United States, or any other public officer or agent of the United States, duly authorized to make, draw, accept, or pay such bill, check, or draft; or if any person or persons shall pass, utter, or publish, or attempt to pass, utter, or publish, as true and unaltered, any such falsely altered indent, certificate, Treasury note, or other public security, letters patent, or bill, check, or draft, knowing the same to be falsely altered, with intent to defraud the United States, or any body politic or corporate, or any person or persons whatsoever; every such person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Sec. 18. *And be it further enacted,* That, if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any paper, writing, or instrument, in imitation of, or purporting to be, any letter of attorney, or other authority or instrument to assign, transfer, sell, or convey, any share or sum in the public stock or debt of the United States, or in the capital stock of the President, Directors and Company of the Bank of the United States, or receive any annuity or annuities, dividend or dividends due or to become due on any such stock or debt; or to receive any pension, prize money, wages, or other debt or sum of money due, or to become due from the United States; or shall he forge or counterfeit, or cause or procure to be forged or counterfeited, willingly aid or assist in forging or counterfeiting, the name or names of any of the holders or proprietors of any such public stock or debt, or of any person entitled to any such annuity, dividend, pension, prize money, wages, or other debt or sum of money, as aforesaid, in or to any such pretended letter of attorney, authority, or instrument; or shall knowingly and fraudulently, demand, or endeavor to have or obtain such share or sum in such public stock or debt, or capital stock of the said bank, or to have any part thereof transferred, assigned, sold, or conveyed, or such annuity, dividend, pension, prize money, wages, or other debt or sum of money, or any part thereof, to be received or paid, by virtue of any such false, forged, or counterfeited letter of attorney, authority, or instrument; or shall falsely and deceitfully personate any true or real proprietor or holder of such share or sum in such public stock or debt, or capital stock of the said bank, or any person entitled to such annuity, dividend, pension, prize money, wages, or other debt or sum of money as aforesaid, and thereby transferring, or endeavoring to transfer, such public stock or debt, or capital stock of the said bank, or receiving, or endeavoring to receive the money of such true and lawful holder or proprietor thereof, or the money of such person or persons, really and truly entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, or sum of money, as aforesaid, as if such offender were the true and lawful owner thereof, entitled thereto; every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Sec. 19. *And be it further enacted,* That, if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any coin, in the resemblance or similitude of the gold or silver coin, which has been, or hereafter may be, coined at the Mint of the United States; or in the resemblance or similitude of any foreign gold or silver coin, which, by law, now is, or hereafter may be, made current in the United States; or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States, from any foreign place, with intent to pass, utter, publish, or sell, as true, any such false, forged, or counterfeited coin, knowing the same to be false, forged, or counterfeited, with intent to defraud any body politic, or corporate, or any other person, or persons, whatsoever; every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding three years.

Sec. 20. *And be it further enacted,* That, if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any coin, in the resemblance or similitude of any copper coin, which has been, or hereafter may be, coined at the Mint of the United States; or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States, from any foreign place, with intent to pass, utter, publish, or sell, as true, any such false, forged, or counterfeited coin, with intent to defraud any body politic, or corporate, or any other person, or persons, whatsoever; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labor, not exceeding three years.

Sec. 21. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, on board any vessel belonging in whole or in part to the United States, or any citizen or citizens thereof, shall, with a dangerous weapon, or with intent to kill, rob, steal, or to commit a mayhem, or rape, or to perpetrate any other felony, commit an assault on another, such person shall, on conviction thereof, be punished by fine, not exceed-

ing three years.

Sec. 22. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, on board any vessel belonging in whole or in part to the United States, or any citizen or citizens thereof, shall, with a dangerous weapon, or with intent to kill, rob, steal, or to commit a mayhem, or rape, or to perpetrate any other felony, commit an assault on another, such person shall, on conviction thereof, be punished by fine, not exceed-

ing three years.

Sec. 23. *And be it further enacted,* That, if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular state, on board any vessel belonging in whole or in part to the United States, or any citizen or citizens thereof, shall, with a dangerous weapon, or with intent to kill, rob, steal, or to commit a mayhem, or rape, or to perpetrate any other felony, commit an assault on another, such person shall, on conviction thereof, be punished by fine, not exceed-